

REMARKS

The applicants have carefully considered the official action dated June 7, 2005, and the references it cites. In the official action, claims 28-40 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter, and claims 2-5, 7-9, 11, 13, 15-18, 20, 21, 24, 26, 28-31, 33, 34, 37, 39, 41, 42, 44, and 46-55 were rejected under 35 U.S.C. § 102(b) as anticipated by Toutant et al. (4,878,368). In addition, the official action indicated that claims 6, 10, 12, 14, 19, 22, 23, 25, 27, 43, 45, 56, and 57 were objected to as depending from a rejected base claim, but would be allowable if rewritten in independent form. By way of this response, claims 2, 3, 6-8, 10-12, 14-16, 19-22, 24, 25, 27-29, 34, 37, 38, 41-43, 45, 47-50, 52, and 54 have been amended to clarify the scope of protection sought; claims 4, 5, 9, 17, 18, 46, 56, and 57 have been canceled; and claims 58-65 have been added. Accordingly, claims 2, 3, 6-8, 10-16, 19-45, 47-55, and 58-65 are pending in this application, of which claims 2, 6, 10, 12, 14, 15, 19, 22, 25, 27, 28, 41, 43, 45, and 52 are independent. In view of the foregoing amendments and the following remarks, the applicants respectfully traverse the rejections.

The applicants respectfully submit that independent claims 6, 10, 12, 14, 19, 22, 25, 27, 43, and 45 are allowable over the art of record. Specifically, each of these independent claims incorporates subject matter indicated as allowable in the official action. Accordingly, the applicants respectfully submit that independent claims 6, 10, 12, 14, 19, 22, 25, 27, 43, and 45 and all claims dependent thereon are in condition for allowance.

The applicants respectfully submit that claims 28-40 are directed to statutory subject matter. Specifically, claims 28-40 recite a machine accessible medium having instructions stored thereon. The MPEP states:

“... a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.” See MPEP § 2106, IV.B.1(a) (emphasis added).

The machine accessible medium recited in claims 28-40 is statutory subject matter because instructions stored on a machine accessible medium constitute a data structure in accordance with the statutory subject matter requirement under 35 U.S.C. § 101.

Accordingly, the applicants respectfully request withdrawal of the rejection of claims 28-40 as non-statutory.

Now turning to the art rejections, the applicants respectfully submit that independent claim 2 is allowable over the art of record. Independent claim 2 is directed to a method of controlling flare and recites, *inter alia*, measuring a material to obtain a flare characteristic associated with a zone of the material and automatically varying a position of a roller to change the flare characteristic associated with the zone of the material as the material moves through a roll-forming process. None of the art of record describes measuring a material to obtain a flare characteristic associated with a zone of the material and automatically varying a position of a roller to change the flare characteristic associated with the zone of the material as the material moves through a roll-forming process, as recited in claim 2. Toutant et al. describe a method of controlling a flange angle of a roll-formed material by roll forming a sheet to form a roll-formed part, measuring the flange angle of the roll-formed part, and using the flange-angle measurement to adjust a roller to affect the flange angle of a subsequent roll-formed part. In other words, Toutant et al. describe obtaining a flange-angle measurement from a roll-formed part and using the flange-angle measurement to form

flanges of subsequently formed roll-formed parts, but not to change a flare characteristic associated with a zone of a material for which the flange-angle measurement was obtained. Thus, Toutant et al. fail to describe or suggest measuring a material to obtain a flare characteristic associated with a zone of the material and automatically varying a position of a roller to change the flare characteristic associated with the zone of the material as the material moves through a roll-forming process, as recited in claim 2. Nor does any other art of record overcome the deficiencies of Toutant et al. Accordingly, the applicants respectfully submit that independent claim 2 and claims 3, 7, 8, 11, 13, and 58-61 dependent thereon are in condition for allowance.

Independent claims 15 and 28 are also allowable over the art of record for at least the reasons set forth above in connection with claim 2. Accordingly, the applicants respectfully submit that independent claims 15 and 28 and all claims dependent thereon are in condition for allowance.

Independent claim 41 is also allowable over the art of record. Claim 41 is directed to a system for controlling flare and recites, *inter alia*, a first sensor configured to detect a flare characteristic associated with a zone of a material and a position adjustment system coupled to the first sensor and configured to automatically adjust a roller to condition the flare characteristic associated with the zone of the material based on a measurement value obtained from the first sensor. None of the art of record describes a system as recited in claim 41. Toutant et al. describe a system that measures a flange angle of a roll-formed part and that adjusts a roll to affect the flange angle of subsequently formed roll-formed parts, but not the flange angle of the roll-formed part measured by the system. Thus, Toutant et al. do not describe a system having a first sensor configured to detect a flare characteristic associated with a zone of a material and a position adjustment system coupled to the first

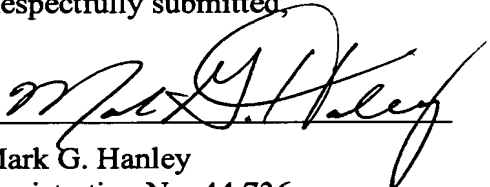
sensor and configured to automatically adjust a roller to condition the flare characteristic associated with the zone of the material based on a measurement value obtained from the first sensor. In other words, Toutant et al. do not describe a system that measures a flare characteristic associated with a zone of a material via a sensor and automatically adjusts a roller to condition the flare characteristic of that zone of the material. None of the other art of record appears to overcome the deficiencies of Toutant et al. Accordingly, the applicants respectfully submit that independent claim 41 and claims 42-45 and 47-51 dependent thereon are in condition for allowance.

Independent claim 52 is also allowable over the art of record. Claim 52 is directed to a system for controlling flare in a roll-forming process and recites, *inter alia*, a component position detector configured to detect a component and a flange roller adjuster communicatively coupled to the component position detector and configured to obtain a roller position value from a storage interface and change a position of a roller based on the roller position value in response to the component position detector detecting the component. Neither Toutant et al. nor any other art of record teaches a system having a component position detector configured to detect a component and a flange roller adjuster configured to change a position of a roller in response to the component position detector detecting the component, as recited in claim 52. Accordingly, the applicants respectfully submit that independent claim 52 and claims 53-55 dependent thereon are in condition for allowance.

In view of the foregoing, the applicants respectfully request reconsideration of this application. If there are any remaining matters that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

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